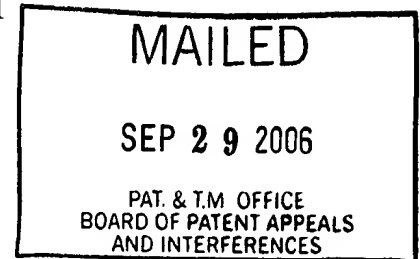


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCE

Ex parte TODD KILLIAN and PHILIP THRIFT

Application 09/713,432



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on September 22, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

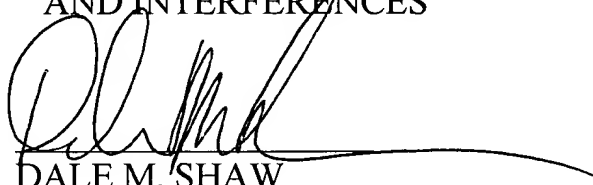
A Reply Brief was received in the office on September 15, 2006, in response to the Examiner's Answer mailed July 18, 2006. However, in accordance with the revision effective September 13, 2004, 37 CFR § 41.43 states:

(1) After receipt of a reply brief in compliance with § 41.41, the primary examiner must acknowledge receipt and entry of the reply brief. In addition, the primary examiner may withdraw the final rejection and reopen prosecution or may furnish a supplemental examiner's answer responding to any new issue raised in the reply brief.

Accordingly, it is ORDERED that the application is return to the Examiner:

- 1) for consideration of the Reply Brief filed on September 15, 2006; and
- 2) for such further action as may be deemed appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

A handwritten signature in black ink, appearing to read 'D. M. Shaw', is written over the printed name.

DALE M. SHAW
Deputy Chief Appeals Administrator
(571)272-9797

DMS/pgc

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